

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHWESTERN DIVISION**

JEFFERY HORTON,

Petitioner,

vs.

**WARDEN J. C. GILES,
and THE ATTORNEY GENERAL)
FOR THE STATE OF ALABAMA,)**

3:06-CV-1608-VEH-PWG

MEMORANDUM OF OPINION

The magistrate judge filed findings and recommendation on December 3, 2008 recommending that the petition for writ of habeas corpus be denied. On December 15, 2008 petitioner's motion for extension of time to file objections was granted. Petitioner's objection to the magistrate judge's findings and recommendation were filed on December 16, 2008.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the findings and recommendation and the objections filed by the petitioner, the Court is of the opinion that the magistrate judge's findings are due to be and are hereby **ADOPTED** and his recommendation is **ACCEPTED**.

Accordingly, the petitioner's objections¹ are due to be **OVERRULED** and the petition for writ of habeas corpus is due to be **DENIED**. A Final Judgment will be entered.

DONE this the 8th day of January, 2009.



VIRGINIA EMERSON HOPKINS
United States District Judge

^{1/} In petitioner's objections he calls to the court's attention that the magistrate judge's findings and recommendation incorrectly stated that "a Calhoun County jury found Horton guilty...." Petitioner states that he was convicted in Cullman County, Alabama rather than Calhoun County, Alabama. This finding does not impact the court's conclusion.